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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,229	09/24/2004	Akira Kuramori	OGW-0333	1787

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EXAMINER

BELLINGER, JASON R

ART UNIT PAPER NUMBER

3617

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/509,229

Applicant(s)

KURAMORI ET AL.

Examiner

Jason R. Bellinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/24/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### ***Election/Restrictions***

1. Applicant's election with traverse of group I, drawn to claims 1-3 and figures 1-2, in the reply filed on 2 August 2005 is acknowledged. The traversal is on the ground(s) that the previous Office Action fails to "refer to the language found within the claims to explain why each group lacks unity with each other group" [sic].

Lines 6-10 of claim 1 describe a run-flat member that has an annular shell with elastic rings. It is well known in the art that run-flat support members having the above structure are typically formed from a resilient material (such as spring steel).

Upon further review, claim 4 is considered to be generic to both embodiments, and will therefore be examined (along with dependent claims 5-6).

However, it should be noted that the species shown in Figures 3-4 is still considered to be non-elected, for the reasons set forth in the previous Office Action, and given the fact that no arguments were provided stating why these non-elected figures share a common special technical feature with the elected Figures 1-2.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1s, 2C. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid

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abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: The term "pneumonic" should be replaced with the term --pneumatic-- in line 4 of paragraph [0017].

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1-2 and 4-5 are objected to because of the following informalities: In line 8 of claim 1, the phrase --, and-- should be inserted after the term "outward".

In lines 3-4 of claims 2 and 5, the term "groves" should be replaced with the term --grooves--, and the reference character "L" should be contained in parenthesis.

These corrections are for grammatical clarity, and for the reasons set forth below.

Appropriate correction is required.

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5. The claims are objected to because they include reference characters, which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite due to the fact that it is unclear what element of the invention the support surface is "formed radially outward" from, and what element of the invention the leg portions are "formed radially inward" from. Claim 3 is indefinite due to the fact that it is unclear what element of the invention is being referred to as having "the center" in line 2 of the claim.

Claim 4 is indefinite due to the fact that it is unclear what element of the invention the two edges are provided "radially outward" from.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glinz et al (JP 10-297226) in view of Hammond et al. As best understood, Figure 3 of Glinz et al shows a wheel assembly including a wheel with a rim 23 and a pneumatic tire 9 with a tread surface and a hollow space mounted on the rim 23. A run-flat support member 20 is disposed in the hollow space, and includes an annular shell 2 and elastic rings (21-22). The annular shell 2 includes a support surface "formed radially outward", and includes a convexly curved surface portion (5-6) with an annular apical line or face. A pair of leg portions are "formed radially inward", with the elastic rings (21-22) supporting the leg portions on the rim 23.

Glinz et al does not show the tread surface including one or more circumferential grooves extending in the circumferential direction of the tire. Hammond et al teaches the use of a tire 10 having a tread surface with circumferential grooves (13, 90) that extend in the circumferential direction of the tire 10. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the tread surface of Glinz et al with circumferential grooves for the purpose of increasing the traction capabilities of the tire, which would increase the handling and control of a vehicle.

The apical line or face of the convexly curved surfaces (5-6) of Glinz et al is offset axially with respect to the center axis of rotation of the wheel, so that the apical line or face would not be located in a position that radially corresponds to the circumferential groove 13 (since area 37 of the tire of Hammond et al would extend into the concave portion 8 of the run-flat support of Glinz et al). This would prevent the tire from lateral shifting when running in an under-inflated condition.

While Glinz et al as modified by Hammond et al does not specify that the apical line or face of the run-flat support be located one-quarter to one-half (aka the center) between the circumferential grooves (13, 90), one of ordinary skill in the art would find it obvious to form the apical line or face of the run-flat support of Glinz et al to engage the portion of the tire tread between the circumferential grooves of the tire of Hammond et al for the purpose of providing positive support on the load-bearing tread surfaces of the tire, thus retaining the traction capabilities of the tire during a run-flat situation, and reducing damage to the tire, wheel, or vehicle.

### ***Conclusion***

**10.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered to show wheels having run-flat supports. For example, Bush shows a wheel with a run-flat insert.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger  
Examiner  
Art Unit 3617

**JASON R. BELLINGER**  
**PATENT EXAMINER**

jrb

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*10/8/05*